

Message Text

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TO USMISSION IAEA VIENNA

C O N F I D E N T I A L STATE 058028

EO11652 GDS

TAGS: PARM, IAEA, US

SUBJ: US VOLUNTARY OFFER SAFEGUARDS AGREEMENT

REF: IAEA VIENNA 1693

1. FOLLOWING ARE COMMENTS ON AGENCY'S PROPOSALS FOR
ADDITIONAL CHANGES IN DRAFT AGREEMENT AND PROTOCOL, PER
PARAS 4-11 REFTEL.

2. AGREEMENT

(A) NO OBJECTION ADDITION PHRASE "AND HAS ENTERED
INTO THIS AGREEMENT" IN FIFTH PARA OF PREAMBLE,
PER PARA 4 REFTEL.

(B) NO OBJECTION DELETION "PARTS I AND II OF"
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FROM PARAS 2(A) AND (2B), PER PARA 5, SO LONG AS

AGENCY (AND OTHERS) RECOGNIZE CLEAR DISTINCTION BETWEEN AGREEMENT, WHICH PROVIDES FOR SAFEGUARDS ON FACILITIES INCLUDED IN SUBSIDIARY ARRANGEMENTS SELECTED PURSUANT ART. 39B OF AGREEMENT, AND PROTOCOL, WHICH PRESCRIBES PROCEDURES NOT CONSIDERED "SAFEGUARDS" FOR FACILITIES SELECTED PURSUANT ART. 3 OF PROTOCOL.

(C) NO OBJECTION RE-ARRANGEMENT OF FIRST SENTENCE ART. 34.B., PER PARA 6 REFTTEL.

(D) WE RECOMMEND FOLLOWING ADDITION AT END OF PRESENT 39.B(III), IN LIEU THAT SUGGESTED PARA 7 REFTTEL, AND RENUMBERING AS 39.C: "...WHICH HAVE NOT OTHERWISE BEEN REMOVED PURSUANT TO NOTIFICATION BY THE UNITED STATES IN ACCORDANCE WITH ARTICLE 34.B." AGREE TO DELETION OF PHRASE "AND OTHER LOCATIONS" IN RENUMBERED ART. 39.C.

(E) MODIFICATION OF ART. 42, PER PARA 8, ACCEPTABLE. IN CASE OF NEWLY-CONSTRUCTED FACILITIES, HOWEVER, WE WOULD NOT WANT TO SEE THIS PRECEDENT EXTENDED TO NNWS AGREEMENTS, I.E., OMISSION OF STIPULATION THAT INFO BE PROVIDED AS EARLY AS POSSIBLE BEFORE NUCLEAR MATEEIAL INTRODUCED INTO NEW FACILITY.

(F) PER PARA 9, NOT CLEAR WHY "IMPORTS" AND "EXPORTS" NEED TO BE ADDED TO ART. 89.J, SINCE QUANTITIES INVOLVED COULD BE REPORTED IN INVENTORY CHANGE REPORTS IN EXISTING CATEGORIES OF "RECEIPTS" AND "SHIPMENTS".

3. PROTOCOL

(A) NO OBJECTION DELETION SECOND SENTENCE FROM PROTOCOL ARTICLE 4.B., PER PARA 10.

(B) NO OBJECTION DELETION PHRASES IDENTIFIED PARA 11 FROM ART. 12.A. AND B. FYI RE COMMENT IN REF TEL THAT NO FACILIY HAVING AYNV ACTIVITY WITH DIRECT NATIONAL SECURITY SIGNIFICANCE CAN APPEAR ON ELIGIBLE LIST, WHILE THIS OF COURSE ACCURATE, CONFIDENTIAL

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IT MAY BE POSSIBLE IN PRINCIPLE IN SOME INSTANCES TO EFFECTIVELY ISOLATE ACTIVITIES OF SECURITY SIGNIFICANCE AT A PARTICULAR LOCATION WITHIN A FACILTIY SUCH THAT AGENCY SAFEGUARDS (E.E. INSPECTION) COULD BE CARRIED OUT IN OTHER DEFINABLE AREAS WITHIN THE FACILITY, I.E., DEFINE THE FACILITY IN SUCH A WAY THAT CLEARLY SEPARABLE ACTIVITIES OF SECURITY SIGNIFICANCE AND RELEVANT RECORDS ARE EXCLUDED. FOR EXAMPLE, CLASSIFIED HANFORD

FUEL WAS IN HOT STORAGE POND AT NFS CHEM PROCESSING
PLANT DURING IAEA SAFEGUARDS EXERCISE IN 1967 WITH NO PROBLEMS
FOR US SECURITY INTERESTS OR IAEA SAFEGUARDING EFFECTIVENESS.
WE BELIEVE, HOWEVER, THAT
LANGUAGE IN DRAFT AGREEMENT
AND PROTOCOL (WITH REF DELETIONS) PROVIDES US WITH
SUFFICIENT FLEXIBILITY TO MAKE DECISION ON CASE BY CASE
BASIS AS TO WHETHER SUCH FACILITY MAY BE DEFINED AS
APPROPRIATE FOR ELIGIBLE LIST. END FYI. ASSUME DELETION
WILL NOT CAUSE PROBLEMS IN NEGOTIATION OF UK/IAEA AGREE-
MENT PURSUANT UK OFFER IN TERMS WORKING OUT SAFEGUARDS
ARRANGEMENTS AFFECTING ANY MIXED FACILITIES IN UK.
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